

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

for the

Western District of New York

22 CV 6433

Case No.

(to be filled in by the Clerk's Office)

Douglas D. Williams

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Daniel Granville, Adam Imolo,
Timothy Donovan, Robert Galbraith,Timothy F Carney, Patrick M'Mahon,
John Doe's 1-8

Defendant(s)

Daniel T. Milbrandt

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

JURY TRIAL: Yes No 

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

All other names by which
you have been known:

ID Number

Current Institution

Address

Douglas D. Williams

43274

E, C, C, F

AIDEN

City

11581 WALDEN AV

NY

14004

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Job or Title (*if known*)

Shield Number

Employer

Address

DANIEL GRANVILLE

Supervisor

C-7

ERIE County SHERIFF OFFICE

45 Elm St

Buffalo,

City

N.Y.

14203

Zip Code

 Individual capacity Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

ADAM J. MIOLO

Detective

D-45

ERIE County Sheriff OFFICE

45 Elm st.

Buffalo,

City

N.Y.

14203

Zip Code

 Individual capacity Official capacity

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Defendant No. 3

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Timothy F. DONOVAN

DETECTIVE

D-69

ERIE County SHERIFF OFFICE

45 ELM ST

Buffalo,

N.Y.

14203

City

State

Zip Code

 Individual capacity Official capacity

Defendant No. 4

Name

Job or Title (*if known*)

Shield Number

Employer

Address

Timothy F. CARNEY

Detective

D-54

ERIE County Sheriff OFFICE

45 ELM ST

Buffalo,

N.Y.

14203

City

State

Zip Code

 Individual capacity Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

 Federal officials (a *Bivens* claim) State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

4. Const. Amend. Const. Amend. 5 Const. Amend 6 Const. Amend 8 Const. Amend
14 Const. Amend.

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

• DEFENDANT NO. 5

NAME

PATRICK J. Mc MULLEN

JOB OR TITLE (IF KNOWN)

DETECTIVE

SHIELD NUMBER

D-46

EMPLOYER

ERIE County SHERIFFS office

ADDRESS

45 Elm St
Buffalo NY 14203

CITY

STATE

ZIP CODE

 INDIVIDUAL CAPACITY OFFICIAL CAPACITY

DEFENDANT NO. 6

NAME

Daniel T. Milbrandt

JOB TITLE (IF KNOWN)

Deputy Sheriff

SHIELD NUMBER

ERIE County SHERIFFS office

EMPOLYER

45 Elms St
Buffalo NY 14203

ADDRESS

CITY

STATE

ZIP CODE

 INDIVIDUAL CAPACITY OFFICIAL CAPACITY

DEFENDANT NO. 7

NAME

Robert Galbraith

JOB TITLE (IF KNOWN)

Detective

SHEILD NUMBER

ERIE County SHERIFFS office

EMPOLYER

45 Elm St
Buffalo, NY 14203

ADDRESS

CITY

STATE

ZIP CODE

 INDIVIDUAL CAPACITY OFFICIAL CAPACITY

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- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Based on What the defendants knew or Should have known about the premises when the warrant was sought, the warrant's description of said entire structure of 2042 Bailey Ave. Buffalo, N.Y. But in fact the premises "consisted" of multi apartments and that fact was known to the Defendants, but not brought to the Attention of the Court At the time the warrant was obtained. Illegal search and seizure, unlawful

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (*check all that apply*):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (*explain*)

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

See: Attached Exhibit A,B,C

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

It started on the expressway at 1:50pm, on 10-9-20. Then 2042 Bailey Ave. Buffalo, Ny, 4:00pm. Then at 8:02pm 24 Juniper PL. Buffalo, NY.

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

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- C. What date and approximate time did the events giving rise to your claim(s) occur?
 thruway 2042-Bailey ave (24 Juniper pl)
 on october 9th 2020 approximately 1:50pm - 4:00pm - 8:02 pm

- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

10-9-20 at (1:50 pm) I was detain with excessive force for over six hours. At (4:00 pm) Defendant's Search 2042 Bailey ave. four units building fabricated evidence against Plaintiff. on 10-9-20 at (8:02 pm Defendant's Search Plaintiff house located at 24 Juniper pl) illegal Search; SEE ATT Exhibit D

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

emotional distress: aiming at Punishment i can't sleep properly i have nightmares. I think about my mother ashes everyday, her ashes mean a lot to me.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I would like my mother ashes back. I would like the jury to decide on the money and punitive damages. sentimental value, property damage

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act (“PLRA”), 42 U.S.C. § 1997e(a), requires that “[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.”

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

- E. If you did file a grievance:

1. Where did you file the grievance?

2. What did you claim in your grievance?

3. What was the result, if any?

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

Did not happen in jail

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes
 No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

- B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (*If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.*)

1. Parties to the previous lawsuit

Plaintiff(s) _____

Defendant(s) _____

2. Court (*if federal court, name the district; if state court, name the county and State*)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition.

7. What was the result of the case? (*For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?*)

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 9-30-22Signature of Plaintiff
Printed Name of Plaintiff Douglas D. WilliamsPrison Identification # 43274Prison Address 11581 Walden Ave.Albion

City

NY

State

14004

Zip Code

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address



EXHIBIT A

Statement Of Claims

Excessive Force/Freedom Of Movement

On October 9th, 2020 the plaintiff placed his 20 month old dog named Joshine in a cage before placing her in his pickup truck. Plaintiff then traveled to Syracuse N.Y for the purpose of purchasing a 10 month old puppy. After making the purchase the plaintiff put the puppy in a cage before placing the puppy in the back seat of his pickup truck upon returning to the Buffalo area.

On October 9th, 2020 at approximately 1:50PM plaintiff was pulled over by defendant John Doe #1 on the thruway in Clarence N.Y , defendant John Doe #1 instructed the plaintiff to exit his vehicle. Before exiting his vehicle as instructed, the plaintiff asked "why am i being stopped?". The defendant John Doe #1 informed the plaintiff "i will tell you once you exit the vehicle" after exiting his vehicle defendant John Doe #1 immediately began searching the plaintiff before placing handcuffs on him and placed him in the back seat of the police vehicle. While detained in the police vehicle, the plaintiff witnessed defendants "Timothy Carney" and defendants John Doe #2 and John Doe #3 searched his vehicle. After searching plaintiffs vehicle and not finding anything illegal, one of the defendants drove the plaintiffs vehicle to 45 Elm St. , where defendant John Doe #1 followed with the plaintiff, handcuffed behind plaintiffs back in the back seat of patrol vehicle. Once plaintiff arrived at 45 Elm St., he then was placed in a room for over 5 in a half hours in handcuffed, that was not removed until he was transported to the ERIE COUNTY HOLDING CENTER. The plaintiff had no feelings in his hands for several hours as a result of the plaintiff handcuffs placed on him for so long. Subsequently thereafter the plaintiff learned that the defendants mentioned herein didn't have legal process to stop,search and seize the plaintiff,his vehicle and his pets that were inside his vehicle.

EXHIBIT B

Statement Of Claims

Failure To Intervene/Deprivation Of Liberty/Fabrication Of Evidence/Unreasonable Illegally Search and Seizure

On October 9th, 2020 at approximately 4:00Pm defendants:Adam Imiolo knew that this building at 2042 Bailey Ave. 14211 consist of multiunit apts. Defendant Adam Imiolo told the judge that plaintiff's is the current owner of this building, Adam Imiolo mislead the judge into obtaining a search warrant of the entire structure he never told the judge that this building consist of multi apts. Defendants also participated in this search of the entire structure, Timothy Carney, Timothy Donovan, Robert Galbraith, Patrick McMahon, Daniel Granville there were alot more defendants involved.

These defendants falsified evidence against the plaintiff.

These defendants failed to intervene the searching of this whole entire structure.

They deprived me of my due process rights by misleading the judge.

EXHIBIT C

STATEMENT OF CLAIMS

Illegal Search and Seizure/Cruel and Inflicted Punishment

On October 9th, 2020 at approximately 8:02Pm

Defendants: Adam Imiolo, Daniel Granville, Timothy Carney, Timothy Donovan, Patrick McMahon, Robert Galbraith, Daniel T. Milbrandt.

There are also other defendants that were involved.

Defendants went to plaintiff house located at 24 Juniata Pl. 14210 defendant John Doe #4 battered ram plaintiff's door down.

Defendants than began to ransacked plaintiffs entire house without a search warrant.

Defendant John Doe #5 also crushed open plaintiff's safe with machinery.

Upon information and beliefs John Doe #6 and/or one or more of the defendants mention herein confiscated/seized plaintiff's deceased mothers ashes.

One of the defendants John Doe #7 also broke plaintiff's in house cameras.

Plaintiff's son started to talk through the audio video camera and one of the defendants stated camera to the right than one of the defendants ripped the cord out of the wall.

Then one of the defendants placed the camera facing downwards.

The way plaintiff's security system is setup is by video and audio it allows the plaintiffs and his family to be notified via cellphone alerts in the event of intruders.

Plaintiff's son was alerted by defendants intruders in his fathers residence.

Plaintiff's son asked John Doe #8 "Who are you guys looking for, my father?" defendant John Doe #8 stated "No, You" plaintiff's son then stated "am i in trouble?" John Doe #8 stated "are you?" plaintiff's son than asked John Doe #8 "Well what are you guys doing?" John Doe #8 than stated "search warrant"

Plaintiff further came to learn that the defendant in fact did not have a search warrant for this house.

EXHIBIT D

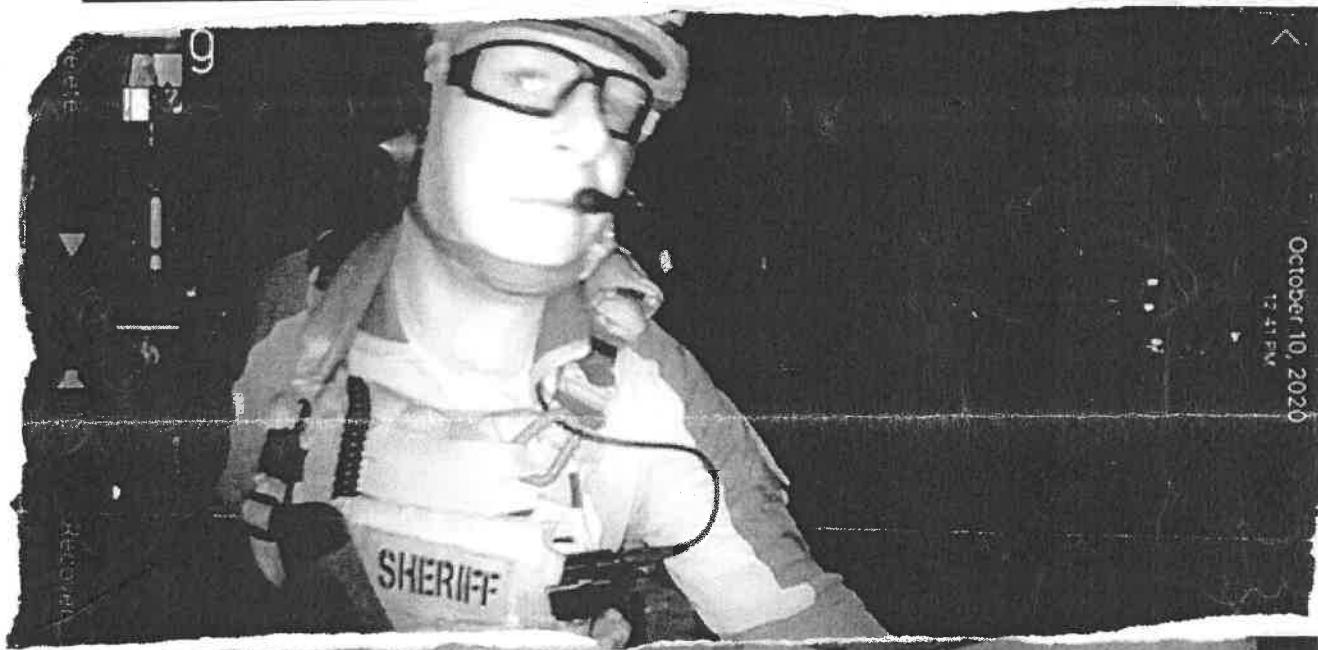


THESE PHOTOS ARE taking the next day
from a phone so that it wouldn't ERASE
I DO HAVE the actually disc

October 10, 2020
12:41 PM



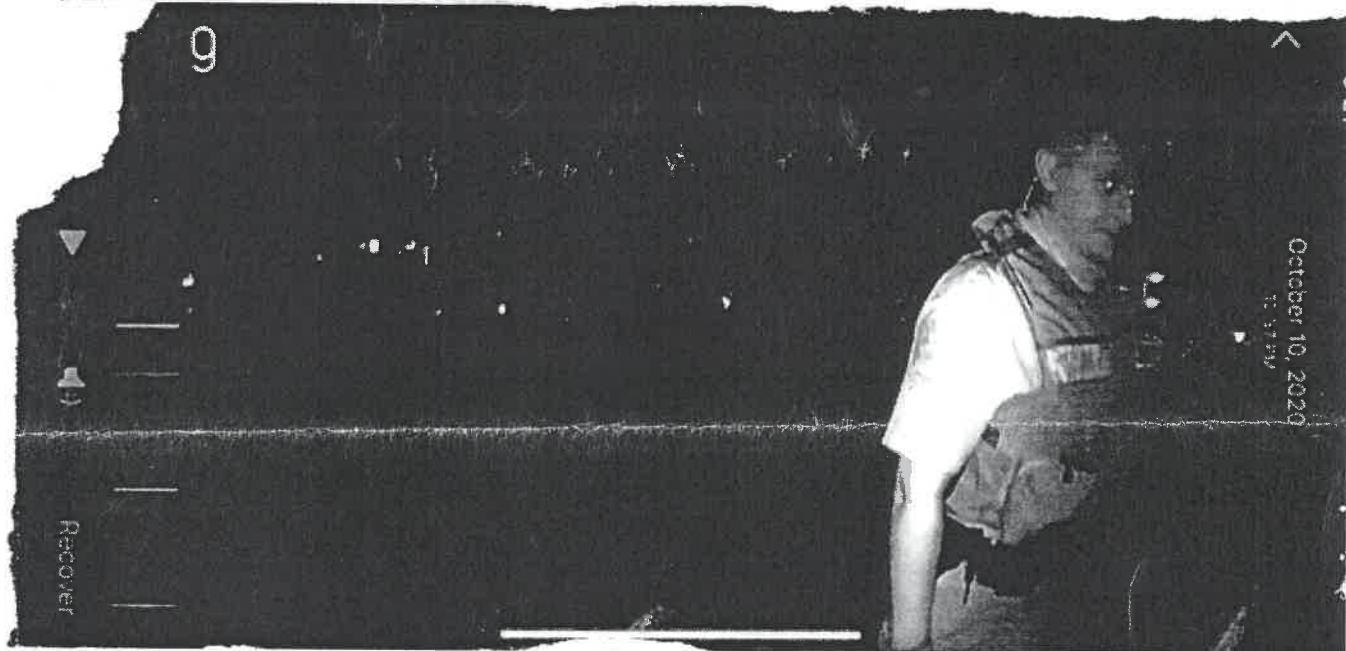
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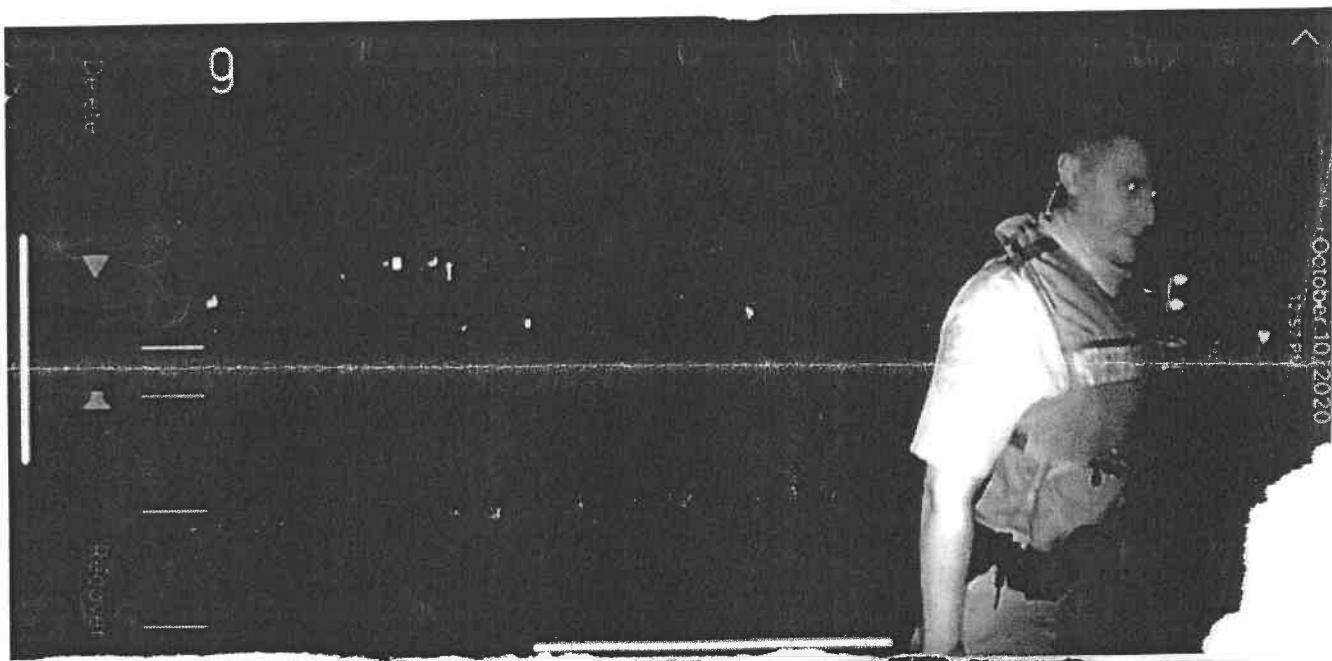


October 10, 2020
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Douglas D. Williams #43274

E, C, C, F

11581 Walden Ave.
Alden, New York 14202

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USDC-WDNY
OCT 11 2022
BUFFALO

UNITED STATES WESTERN
DISTRICT OF NEW YORK
PATRICK J. HEALY
2 Niagara Square
Buffalo, New York 14202



ZIP 14202
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